

# In The United States Court of Federal Claims

No. 99-267T

(Filed: October 8, 2008)

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USIBELLI COAL MINE,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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## ORDER

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On August 18, 2008, the Federal Circuit issued its mandate in this case, reversing the judgment entered here on February 3, 2006, and remanding with instructions to dismiss this case with prejudice. Pursuant to the mandate, the court hereby orders the Clerk to dismiss the complaint in this case, with prejudice.

**IT IS SO ORDERED.**

s/ Francis M. Allegra

Francis M. Allegra

Judge